

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05CR3066
)	
v.)	
)	
HENRY AVIMAEEL SALAZAR,)	ON DEFENDANT SALAZAR'S
)	UNOPPOSED MOTION TO CONTINUE
Defendant.)	TRIAL
)	

The defendant by his counsel of record has filed a motion to continue trial, filing 27, and a Speedy Trial Waiver, filing 29, in which motion counsel states that “The government is in the process of transcribing from Spanish to English an interview conducted with Mr. Salazar by law enforcement.” Counsel believes after talking with the interpreter utilized by the government to make said transcription that the transcript would be available later the week of August 29. At the hearing on the Motion to Suppress on July 13, 2005, counsel requested that because the transcript of the interview was not available that once he sees the transcript he be permitted leave to file a motion out of time to suppress the statements if need be. (Tr. 74:15-75:1). The counsel for the government does not oppose this motion but has requested that the trial not be set during the week of October 24, 2005.

I find that under the provision of 18 U.S.C. § 3161(h)(8)(A) and (B)(i) and (iv) failure to grant a continuance in the trial would be likely to make a continuation of such trial impossible, or would be likely to result in a miscarriage of justice and that failure to grant a continuance would deny the defendant reasonable time for effective preparation, taking into account the exercise of due diligence. The ends of justice would be served by granting the continuance and the interests in granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS ORDERED that:

1. the Defendant Salazar's Unopposed Motion to Continue Trial, filing 27, is granted;

2. trial is continued until October 31, 2005, at 9:00 a.m., with jury selection at the commencement of trial, in Courtroom No. 4, U.S. Courthouse, Lincoln, Nebraska; and
3. the time between the date of this order and October 31, 2005, will be excludable under 18 U.S.C. § 3161(h)(8)(A) and (B)(i) and (iv).

Dated September 1, 2005.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge